

Federal Defenders of San Diego, Inc.

May 14, 2008

**Video Recorded Interview in the case of
U.S. v. Jesus Manuel Perez**

Legend:

Gates: Customs and Immigration Agent Renato Gates
Dotson: Customs and Immigration Agent Dotson
Carrera: Officer Carrera
Perez: Jesus Manuel Perez

[UI]: Unintelligible
[IA]: Inaudible Answer
Italics: Spoken in English

[To the best of my knowledge and ability, the following is an accurate transcription of the above titled video-recorded interview and a faithful translation into English of the Spanish spoken on the recording. Certified on September 5, 2008. Antonio P. Lopez, Interpreter, U.S. Courts Certification No. 08-037.]

1 [07:57:50]

2 **CARRERA:** *What are you guys coming to? You're having the "Aggie"*
3 *girl translate for you, tonight.*

4 **GATES:** *You're a fluent speaker.*

5 **CARRERA:** [GIGLES]

6 **GATES:** *See it's just CBP is very busy. We don't have any*
7 *agents, here right now. Been a busy day?*

8 **CARRERA:** *You're a pretty good sp--*

9 **GATES:** *--You don't, you don't mind, right? Okay.* [UI]

10 **CARRERA:** [I.A.] *You're a pretty good Spanish speaker.*

11 **GATES:** *You wanna' sit here? Closer, so that you can . . .*
12 *you know, translate. Ahh, geez!*

13 **CARRERA:** *Why is your cell phone underneath your shirt? Your*
14 *vest? You look pretty big* [UI] *around?* [LAUGHS]

15 **GATES:** *Thank you.*

16 **CARRERA:** [LAUGHS LOUDER]

17 **GATES:** *Appreciate that.*

18 **CARRERA:** *You do!* [LAUGHS]

19 **GATES:** *I eat a lot.*

20 **CARRERA:** *You're not wearing anything are you? Oh my God!*

21 **DOTSON:** *Have a seat there.*

22 **GATES:** *What? I'm a big boy.*

23 **CARRERA:** *I can see that.*

24 [UI VOICE, UNABLE TO DISCERN SPEAKER]

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1 DOTSON: *My name is Agent Dotson. I'm uhm, my name is Agent*
2 *Dawnson,*

3 PEREZ: Uh-huh.

4 DOTSON: I'm uhm, a Customs and Immigration Agent, and this is--

5 GATES: --I'm Renato Gates.

6 PEREZ: Very well.

7 DOTSON: *And this is . . .*

8 CARRERA: Carrera, Officer Carrera.

9 PEREZ: Okay.

10 GATES: She's going to help us with, uhm, Spanish, if there are
11 questions please, uhm, ask her if she can help,

12 PEREZ: Okay.

13 GATES: And she will help, for that process, Okay?

14 CARRERA: *Okay, you guys want me to translate everything he asks*
15 *to him? Or?*

16 GATES: Yeah.

17 CARRERA: Okay.

18 DOTSON: Where is the--?

19 GATES: --*Or whatever he doesn't understand.*

20 CARRERA: Okay. Do you understand a little bit of English?

21 PEREZ: A little, but, no-not much.

22 CARRERA: Okay.

23 PEREZ: Not when it comes to questions.

24 CARRERA: Okay.

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U.S. v. Jesus Manuel Perez
Interview at the West Port of Entry
Interview of client.
Transcribed by A. Lopez, Interpreter, U.S. Courts Certification No. 08-037

1 DOTSON: Tell me your full and complete name.

2 PEREZ: Jesus Manuel Perez.

3 DOTSON: Okay. Have you used dru-drugs today?

4 PEREZ: N-no.

5 DOTSON: No?

6 GATES: Yesterday? The day before yesterday?

7 PEREZ: The day before yesterday?

8 DOTSON: The day before yesterday?

9 GATES: What do you use?

10 PEREZ: Uhm, coke.

11 GATES: Coke. How much do you use a day.

12 [UI CONVERSATION IN THE BACKGROUND]

13 PEREZ: No, it was the first time.

14 DOTSON: Did you drink alcohol today?

15 PEREZ: Uhm, yesterday.

16 DOTSON: Yesterday? Okay. [SIC] You know why from here?

17 PEREZ: Uhm, no.

18 DOTSON: No, okay. *Let him know that, that he's under arrest,*
19 *and that he has his rights, and I need him to read, each right*
20 *out loud, [UI SPANISH CONVERSATION IN THE BACKGROUND] and if he*
21 *understands the right, then, he [UI] his initials, on the side.*

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25 - 3 -

U.S. v. Jesus Manuel Perez

Interview at the West Port of Entry

Interview of client.

Transcribed by A. Lopez, Interpreter, U.S. Courts Certification No. 08-037

1 **CARRERA:** Okay, that's all correct? These are your rights, you
2 need to read them out loud, and you're going to read each one of
3 them out loud, and if you understand it, you are going to put
4 your initials in each, place.

5 **PEREZ:** But what am I being arrested for?

6 **GATES:** You're under arrest, for the importation of drugs, uhm,
7 to the United States. *He asked you, uhm, why is he under, ar-*
8 *arrest, and I explained to him that he is under arrest for, uhm,*
9 *importing drugs into the United States.*

10 **DOTSON:** Okay.

11 **PEREZ:** But what kind of drugs?

12 **GATES:** Well that's what we're going to, uhm, there was drugs in
13 the car. *He asked what type of drugs.*

14 **[UI CONVERSATION IN ENGLISH TAKING PLACE IN BACKGROUND]**

15 **DOTSON:** Okay. **[SIC.]** Was cocaine.

16 **PEREZ:** Huh?

17 **DOTSON:** There be cocaine, in your car.

18 **PEREZ:** What?

19 **DOTSON:** *There is--*

20 **CARRERA:** --There was cocaine, in, your car. There was cocaine in
21 your vehicle. Well, these are your rights, you have to read them
22 one at a time, and place your initials if you understand them.

23 **DOTSON:** Can you read?

24 **CARRERA:** Out loud.

25 - 4 -

1 **PEREZ:** Before we make these, before we ask you any questions,
2 you have to know- to know- to know your rights.

3 **DOTSON:** Okay, do you, do you understand it?

4 **PEREZ:** Yes.

5 **DOTSON:** Yes. So then put your signature- or your initials here.
6 And after, read, the other one.

7 **PEREZ:** You have the right, to, remain silent.

8 **DOTSON:** Do you understand it?

9 **PEREZ:** [IA]

10 **DOTSON:** Okay, then put . . .

11 **PEREZ:** Anything that yo-you say can be used against you in a
12 court of law, or in any other proceeding.

13 **DOTSON:** Do you understand it? Yes or no?

14 **PEREZ:** Yes.

15 **DOTSON:** Okay then, put your . . .

16 **[UI CONVERSATION IN THE BACKGROUND]**

17 **PEREZ:** You have the right to consult with an attorney before,
18 you make any statement, or answer any question.

19 **DOTSON:** Do you understand, stand? Yes?

20 **PEREZ:** Yes. You have the right to have an attorney present with
21 you during, the interrogation.

22 **DOTSON:** Do you understand it? Then . . .

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U.S. v. Jesus Manuel Perez
Interview at the West Port of Entry
Interview of client.
Transcribed by A. Lopez, Interpreter, U.S. Courts Certification No. 08-037

1 **PEREZ:** And if you can't pay for an attorney, one will be
2 provided for you, before we ask you any question, if you so
3 wish.

4 **DOTSON:** Do you understand?

5 **PEREZ:** [IA] If you decide to answer our questions now, you sti-
6 still re-retain the right to stop the interrogatory at any time
7 or to stop the interrogation for the purpose of consulting with
8 an attorney.

9 **DOTSON:** Do you understand that?

10 **PEREZ:** Mm-huh.

11 **DOTSON:** So then. Okay. Would you tell him that, we, we looked at
12 the vehicle, just tell him that, I tell you what [UI]

13 **CARRERA:** They saw the vehicle.

14 **DOTSON:** And I've already talked to the officers involved with
15 the vehicle.

16 **CARRERA:** He already talked with the officers involved with the
17 inspection of the vehicle.

18 **DOTSON:** And uhm, I'm here as an, as an investigator about the
19 case.

20 **CARRERA:** He's here as an investigator about the case.

21 **DOTSON:** I have a, reports, and, and a, brief, I've talked to
22 the, uhm, the officers.

23 **CARRERA:** He has reports and has spoken to the officers.

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U.S. v. Jesus Manuel Perez
Interview at the West Port of Entry
Interview of client.
Transcribed by A. Lopez, Interpreter, U.S. Courts Certification No. 08-037

1 DOTSON: And it's in his be-in his best interest, if I have his
2 side of the story, for the report.

3 CARRERA: It's for, for your interest, that you have, that he
4 have your side of the story, for his report.

5 DOTSON: If, if, he wants, his side of the story, in my report,
6 then he can put, sign here, and he can speak to us now.

7 CARRERA: If you want your side of the story, to be included, in
8 his report, [PHONE BEEPS] then you sign here.

9 DOTSON: *With these rights in mind, he signs this and he can*
10 *speak to us.*

11 [AGENT GATES ANSWERS THE PHONE AND BEGINS TALKING ON THE PHONE,
12 IN THE BACKGROUND]

13 CARRERA: With these rights in mind, you sign this, and you speak
14 with them.

15 [LONG PAUSE OF APROXIMATELY 12 SECONDS]

16 PEREZ: Fine. [HARDLY AUDIBLE VOICE]

17 DOTSON: Do you want to speak to us without your attorney?

18 PEREZ: [CLEARS THROAT] Yes.

19 CARRERA: Yes? Then, read this out loud.

20 PEREZ: Mm-huh.

21 CARRERA: [UI]

1 **PEREZ:** They have read to me, and explained this statement of my
2 rights, and, I understand fully these, rights, I wa-wai-waive
3 them, freely and voluntarilily **[SIC]** without being, threaten,
4 intimidated nor promises of compensation, or im-mun-i-ty, And I
5 have [UI] time, date, signed this document, at, hours, on the
6 date of . . .

7 **DOTSON:** Put the date, todays date.

8 **PEREZ:** What's the date?

9 **DOTSON:** Uhm, yes . . .

10 **CARRERA:** The fourteenth,

11 **DOTSON:** The fourteenth,

12 **CARRERA:** the fourteenth of May. Two thousand eight.

13 **DOTSON:** Five. The time here is ten and twenta, twenty? *Twenty,*
14 *there you go.* The date there, the same, **[AGENT GATES HANGS UP**
15 **THE PHONE]** put your signa- your name, complete and correct here,
16 and, the signature.

17 **PEREZ:** In other words, if, if, this means that if, that I'm
18 going to, that I'm going to lose all of these rights already if
19 I speak to the-them here?

20 **CARRERA:** What?

21 **PEREZ:** In other words, I'm going to lose all of these rights,
22 if--

23 **CARRERA:** --*He's thinking that he's going to lose these rights,*
24 *if he speaks to you.*

25 - 8 -

1 PEREZ: if I speak to them here?

2 GATES: You're not losing your rights.

3 PEREZ: Uh-huh.

4 GATES: *Uhm, I'm sorry if I jumped in, I told him he doesn't lose*
5 *his rights. You always have those rights.*

6 PEREZ: Okay.

7 GATES: *He always has these rights.*

8 DOTSON: Uhm, if you want to speak with, with us right now, you
9 can, I will, if you want? Uhm, to say, well you know, I don't
10 want to speak, that's your right.

11 PEREZ: Mm-huh.

12 GATES: Or, or, I want an attorney now, that's your right. I
13 *explained to him that he always has these rights, and that, he,*
14 *if he, does decide to talk to us, and later says, hey I want to*
15 *stop the interview now, or hey I want to stop for the purpose of*
16 *a lawyer, he can always do so.*

17 DOTSON: Okay.

18 CARRERA: Did you understand the indication?

19 PEREZ: Yes.

20 DOTSON: I need your signature here, next to this "x" and here as
21 well.

22 [APPROXIMATELY 45 SECOND PAUSE]

23 UNKNOWN VOICE IN BACKGROUND: Good Job [UI]!

24 [08:09:45]

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1 DOTSON: Okay, Jesus, Uhm, who is the owner of this car?

2 PEREZ: Me.

3 DOTSON: *Wanna' ask if anybody else has driven the car?*

4 CARRERA: Has anybody else driven your vehicle?

5 PEREZ: No. Ever since I bought it no, It's been three weeks,
6 three weeks since I bought it.

7 CARRERA: *He has had it for three weeks, so, so nobody else has*
8 *driven it.*

9 DOTSON: *For three weeks?*

10 CARRERA: *Mm-huh. Three weeks, you bought it in three weeks?*

11 PEREZ: [IA]

12 CARRERA: *Yeah, three weeks.*

13 DOTSON: *Okay, since this is his side of the story, and I have*
14 *all the facts, it is very important that he tells me, the truth.*

15 PEREZ: Since this is your side of the story, and he already has,
16 all of the facts, it is very important, that you give him the
17 truth.

18 DOTSON: *And he needs to keep in mind, that I have, a file, an-*
19 *and I've, looked up, the history, so what he tells me, I know*
20 *the answer t-to, so he needs to, tell me the truth.*

21 PEREZ: Okay, especially that, he has a file, that has a history,
22 so then, the-the things that he asks you about, onl-only, be
23 telling the truth.

24 [08:11:16]

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE IRMA E. GONZALEZ)

UNITED STATES OF AMERICA,)	Case No. 08CR1728-IEG-01
)	
Plaintiff,)	
)	
v.)	CERTIFICATE OF SERVICE
)	
JESUS MANUEL PEREZ,)	
)	
Defendant.)	

Counsel for Defendant certifies that a copy of the foregoing document has been served this day upon:

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Respectfully submitted,

DATED: September 5, 2008

/s/ Elizabeth M. Barros
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